IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 761 of 2005

Nancy Ramchandani & Anr. .. Appellants

versus

The Chief Manager & ors. .. Respondents

...

Ms.Rubia Taneja i/b M/s.Jhangiani Narula & Associates for the appellant.

Mr.V.B. Naik with Mr.I.M. Khairdi for the respondent nos.4, 6, and 7.

CORAM : B.H. MARLLAPALLE,J

DATED : 12th September 2005

P.C.:

1. Heard the learned counsel.

2. As directed earlier vide the order dated 1st September 2005, the meeting was held on 5th September 2005 in flat no.4 belonging to the appellant no.1.

In addition to the appellants, the respondent no.4 attended the said meeting whereas respondent no.5 is hospitalised. Respondent no.7 has conveyed his consent to the majority decision to be followed and respondent no.6 could not participate in the meeting inspite of Advocate's notice. The appellants and respondent no.2 could not reach an understanding on the issue of operating the bank accounts.

2. There is no dispute that the bank account opened with respondent no.1 Bank is in the name of the appellants whereas the Bank accounts opened with respondent nos.2 and 3 Banks are in the name of all the six flat owners. If these accounts are not operated, monthly payments for the watchman's salary, electricity bills and other outgoings cannot be disbursed. The learned counsel therefore seek directions for operating the Bank account. So far as other disputes are concerned, the flat owners agree to hold a meeting on a convenient date and settle them. It is therefore directed that the Bank accounts with respondent nos.1 to 3 Banks will be operated on the basis of joint signature of appellant no.1 and Mrs.Dolly Screwwalla, the wife of respondent no.7 who is also the owner of flat no.6 and as and

when any withdrawals from any of these three Banks are made, the same shall be notified to all members informing the purpose for which the disbursements were made, within 7 days from such disbursements. So far as other disputes/differences between the members are concerned, they should hold meetings as per the mutual convenience and explore the possibilities of settlement amicably, as early as possible.

3. The appeal is disposed off in terms of the above directions for operating the Bank accounts.

B.H. MARLAPALLE, J